

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

**DONALD BURACKER AND
JAY LONGERBEAM,**
Plaintiffs.

Civil Case No. 3:19-cv-169 Judge Groh

v.

SHEPHERD UNIVERSITY
Defendant.

COMPLAINT

Comes now the Plaintiffs, Donald Buracker and Jay Longerbeam, and complains as follows.

PARTIES

1. Plaintiff Donald Buracker resides at 188 Hollida Lane, Martinsburg, W.V. 25404 and was, at all times relevant, a Police Investigator with the Shepherd University Police Department.
2. Plaintiff Jay Longerbeam resides at 118 Center Street, Charles Town, W.V. 25414 and was, at all times relevant, a Police Investigator with the Shepherd University Police Department.
3. Defendant Shepherd University is a non-profit, state funded higher education institution located at 301 N. King Street Shepherdstown, W.V. 25443.

JURISDICTION

4. Jurisdiction is proper because the allegations contained herein involve federal causes of action, to wit, violation of the Age Discrimination in Employment Act of 1967, 29 USC § 621 et seq., and violation of the Americans with Disabilities Act, 42 USC § 12111 et seq.
5. Venue is proper because the events took place in the Northern District of West Virginia and the Defendant resides within the District.
6. All damages requested in the foregoing complaint against Defendant Shepherd University are requested up to the limits of the applicable insurance coverage where such limits are required by law.
7. Plaintiffs Longerbeam and Buracker have both received Notice of Right to Sue Letters from the Equal Employment Opportunity Commission within 90 days of the filing of the instant Petition (Exhibit A and B), and have therefore met their pre-suit obligations under both federal and state law.
8. Notices of Intent to bring suit have been duly provided, pursuant to W.Va. Code 55-17-3, as to both Plaintiffs Longerbeam and Buracker with respect to the state law claims alleged herein.

Allegations Relating to Plaintiff Buracker

9. Plaintiff Donald Buracker had been employed for over 28 years as a part-time police officer with Shepherd University under the title Police Investigator 1.
10. At all times relevant, Plaintiff Buracker was over 40 years of age.
11. On or about July of 2016, Plaintiff Buracker applied for a full-time Campus Police Investigator 1 position which was advertised by Defendant Shepherd University. This

was the exact same position that Plaintiff Buracker was already occupying on a part-time basis.

12. Despite the fact that, at the time of the job posting, there was a law in effect, W.Va. Code § 18B-7-3(e), which required that a nonexempt classified employee, such as Plaintiff Buracker, who applies for a job and meets the minimum qualifications shall be transferred or promoted before a new individual is hired, Defendant refused to hire Plaintiff Buracker.
13. Instead, Defendant hired another individual, Zachary Ray, to fill the position, who was in his twenties and just out of the police academy, and who had not even yet been certified as a police officer.
14. Defendant Shepherd University, through its agent, Police Chief McAvoy, specifically stated that it was hiring Mr. Ray in part because of his youthful age.
15. Shepherd claimed that it had rejected Plaintiff Buracker's application because he did not have an associates or other university degree, which they claimed to be a minimum qualification for the position, yet it had recently hired other individuals who also did not have a degree, such as RJ James and Matt Harper, for the same position as applied for by Plaintiff Buracker.
16. The individuals identified in the preceding paragraph who were offered Police Investigator I positions without college degrees were significantly younger than Plaintiff Buracker.
17. On or about November 1, 2016, Plaintiff Buracker filed a grievance against Shepherd University, alleging violations of W.Va. Code 18B-7-3(e) and age discrimination.

18. Argument and questioning as to age discrimination, and allegations attendant thereto, were made at both Plaintiff Buracker's Level 1 and Level 3 contested grievance hearings.
19. On April 30, 2018, following Plaintiff Buracker's Level 3 grievance hearing, the West Virginia Grievance Board ruled in Plaintiff Buracker's favor, finding that Shepherd University acted arbitrarily and capriciously in denying Plaintiff's application for the position, and Ordered Defendant to immediately offer Plaintiff the Police Investigator I position as well as backpay.
20. As soon as Plaintiff Buracker accepted his new, full-time position, he was subject to a variety of reprisals and retaliation, including but not limited to:
 - a. Being told by his superior, Chief McAvoy, that Plaintiff was now his nemesis;
 - b. Being kept at the lowest level of seniority despite his many years of experience;
 - c. Receiving disparate treatment compared to other officers in terms of responsibilities;
 - d. Receiving disparate treatment in terms of discipline.
21. Throughout his tenure, Plaintiff Buracker was treated in a disparate manner from younger officers by being held to different, more stringent standards of discipline and different, more stringent responsibilities.
22. It was known among the Shepherdstown Law enforcement community that Shepherd University was looking for a reason to terminate Plaintiff Buracker's employment, and various officers were specifically instructed by individuals acting on behalf of

Shepherd to alert relevant authorities if they found Plaintiff Buracker doing anything which might be used to justify his termination.

23. Throughout Plaintiff Buracker's tenure as a full time Officer at Shepherd University, he made numerous disclosures of inappropriate activity, including but not limited to the following allegations:

- a. That Shepherd University had arranged for an extrajudicial process with a local magistrate whereby Shepherd University students who had been charged with misdemeanors would be placed on an alternate, extrajudicial disciplinary procedure;
- b. That the Mayor of Shepherdstown would regularly intercede in criminal prosecutions on behalf of Shepherd University students, particularly athletes.
- c. That Shepherd university employees were violating state ethics laws by misappropriating state resources.
- d. That Shepherd University instructs its officers not to enforce state law as to certain infractions.

24. As a result of his many disclosures, complaints, and grievances, Plaintiff was intentionally isolated by Chief Mcavoy and other members of the Shepherd University Police. It was known throughout the police department that they associated with Plaintiff Buracker at their own peril.

25. Plaintiff Buracker is a diagnosed diabetic whose medication causes him to urinate frequently. Prior to the firing, a pre-termination "Garrrity" hearing was held, in which Plaintiffs disability in the form of his frequent urination was explicitly brought up as a reason for his potential termination and/or discipline. At that time, a video of him

urinating was displayed publicly in front of various Shepherd University administrators.

26. Said urination was specifically stated as a partial basis for said Garrity hearing, which resulted in Plaintiff Buracker's ultimate termination.
27. On May 2, 2019, Plaintiff Buracker was fired under pretextual reasons, in retaliation for his many disclosures regarding Defendant's age discrimination as well as Defendant's other clear violations of federal and state law.
28. Plaintiff Buracker suffered damages in the form of a loss of his job and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of his employment, reputation, and the general isolation and betrayal he felt through Shepherd's intentional targeting of him from the moment he accepted his full time position in 2018.

Allegations Relating to Plaintiff Longerbeam

29. At all times relevant, Plaintiff Jay Longerbeam was a Police Investigator I with Shepherd University Police.
30. At all times relevant, Plaintiff Longerbeam was over 40 years of age.
31. Throughout his tenure at Shepherd, Plaintiff Longerbeam was continuously treated disparately compared to younger officers at Shepherd University, including by:
 - a. Being held to different, more stringent standards in terms of responsibilities
 - b. Being held to different, more stringent standards of discipline.
32. On or about January 25, 2019, a mandatory meeting was requested by Chief McAvoy with Shepherd HR to discuss supposed "discord and distrust," within the department. Plaintiff suspected this meeting was related to the many disclosures that Plaintiff

Buracker had made regarding what he believed to be the inappropriate actions of Shepherd University Police and Police Personnel.

33. On February 6, 2019, Plaintiff had the above described mandatory meeting with HR, and took the opportunity to criticize Shepherd for what he believed was the mismanagement of its police department regarding communication between officers and superiors.

34. Throughout his tenure at Shepherd, Plaintiff Longerbeam maintained a personal friendship with Plaintiff Buracker, and refused to isolate him socially the way the other officers had clearly been instructed to after Plaintiff's Buracker made his disclosures of wrongdoing and discrimination.

35. Throughout his tenure at Shepherd, Plaintiff Longerbeam was repeatedly reprimanded for attempting to enforce state law by writing citations for violations of law.

36. On May 2, 2019, Plaintiff Longerbeam was fired under pretextual reasons along with Plaintiff Buracker, in part to provide cover for Defendant's pretextual termination of Plaintiff Buracker, and also in retaliation for Plaintiff Longerbeam's disclosures against the University Police Department and his refusal to isolate and shun Plaintiff Buracker.

37. Plaintiff Longerbeam suffered damages in the form of a loss of his job and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of his employment, reputation, and the general isolation and betrayal he felt as a result of Defendant's conduct.

**COUNTS I AND 2: VIOLATIONS OF THE AGE DISCRIMINATION IN
EMPLOYMENT ACT**

38. Plaintiffs incorporate by reference the above allegations as if stated fully herein;

39. By discriminating against Plaintiffs Buracker and Longerbeam on the basis of their age, as indicated above, Defendant violated the provisions of 29 USC § 621 et seq.

40. By retaliating against Plaintiff Buracker for his disclosures of age discrimination in the form of disparate treatment and, ultimately, termination of employment, Defendant further violated the provisions of 29 USC § 621 et seq.

41. As a direct and proximate result of Defendants discrimination, Plaintiffs Buracker and Longerbeam suffered damages in the form of a loss of employment and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of his employment, reputation, and the general isolation and betrayal he felt because of Defendants actions.

COUNT 3: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

42. Plaintiff Buracker incorporates by reference the above allegations as if stated fully herein.

43. By discriminating against Plaintiff Buracker on the basis of his disability, as stated in the aforementioned factual allegations, Defendant violated the provisions of the Americans with Disabilities Act, 42 USC § 12111 et seq.

44. As a direct and proximate result of Defendants discrimination, Plaintiff Buracker suffered damages in the form of a loss of employment and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of his employment, reputation, and the general isolation and betrayal he felt because of Defendant's actions.

COUNTS 4 AND 5: VIOLATIONS OF THE WEST VIRGINIA HUMAN RIGHTS ACT

45. Plaintiffs Buracker and Longerbeam incorporate by reference the above allegations as if stated fully herein.

46. By discriminating against Plaintiffs Buracker and Longerbeam on the basis of age, as indicated above, Defendant violated the West Virginia Human Rights Act, W.Va. Code §5-11-1 et seq.

47. As a direct and proximate result of Defendants violation of the West Virginia Human Rights Act, Plaintiffs Buracker and Longerbeam suffered damages in the form of a loss of employment and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of employment, reputation, and the general isolation and betrayal incurred because of Defendant's actions.

COUNTS 6 AND 7: VIOLATIONS OF THE WEST VIRGINIA WHISTLEBLOWER PROTECTION ACT.

48. Plaintiffs incorporate by reference the above allegations as if stated fully herein.

49. By discharging, discriminating, and retaliating against Plaintiffs Buracker and Longerbeam for their good faith reports of wrongdoing and waste, as indicated above, Defendant violated the provisions of West Virginia Code §6C-1-1 et seq.

50. As a direct and proximate result of Defendant's violation of the West Virginia Whistleblower Protection Act, Plaintiffs Buracker and Longerbeam suffered damages in the form of a loss of employment and wages attendant thereto, loss of all pension and retirement benefits, and pain suffering, and emotional distress associated with the loss of employment, reputation, and the general isolation and betrayal incurred because of Defendant's actions.

COUNTS 8 AND 9: WRONGFUL DISCHARGE

51. Plaintiffs incorporate by reference the above allegations as if stated fully herein.
52. Defendant engaged in discriminatory, retaliatory, and wrongful conduct as indicated above, and retaliated against Plaintiffs for their disclosures relating to the discriminatory, retaliatory and wrongful conduct indicated above by terminating their employment.
53. Defendant's improper conduct contravenes the following substantial public policy principles of the state of West Virginia:
- a. The governments interest in preventing discrimination in the workplace;
 - b. The government's interest in preventing retaliation against whistleblowers;
 - c. The government's interest in ensuring that its agencies follow relevant state laws;
 - d. The government's interest in ensuring that its police officers enforce state law.
54. By terminating Plaintiffs Buracker and Longerbeam in retaliation for their disclosures relating to Defendant's improper conduct and violations of state public policy, as indicated above, Defendant engaged in wrongful discharge.
55. As a direct and proximate result of Defendant's wrongful discharge of Plaintiffs, Plaintiffs Buracker and Longerbeam suffered damages in the form of a loss of employment and wages attendant thereto, loss of all pension and retirement benefits, and pain, suffering, and emotional distress associated with the loss of employment, reputation, and the general isolation and betrayal incurred because of Defendant's actions.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court provide the following relief:

1. Economic damages for lost wages and lost retirement benefits;
2. Damages for pain, suffering, and emotional distress;
3. Punitive damages where allowed by law;
4. Prejudgment interest on all liquated sums from the date of incident until the return of a verdict in favor of the Plaintiff
5. Post-judgment interest on all special and general damages from the date of the jury verdict in favor of Plaintiffs until payment;
6. Attorney fees; and
7. Any such other and further relief as to this Honorable Court may seem necessary and just, including but not limited to potential reinstatement of employment with Defendant.

PLAINTIFFS REQUEST A TRIAL BY JURY

PLAINTIFFS,

By Counsel:

/s/ Christian J. Riddell
Christian J. Riddell (State Bar #12202)
329 S. Queen Street
Martinsburg, WV 25401
(304)267-3949

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Jay Longerbeam
118 Center Street
Charles Town, WV 25414

From: Pittsburgh Area Office
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

Philadelphia Legal Unit

(267)589-9700 ext 3

533-2019-01894

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

09/16/2019

Enclosures(s)

Roosevelt L. Bryant,
Director

(Date Mailed)

cc:

K. Alan Perdue
General Counsel
SHEPHERD UNIVERSITY
301 North King Street
PO Box 5000
Shepherdstown, WV 25443

Christian J. Riddell, Esq.
STEDMAN & RIDDELL
329 South Queen Street
Martinsburg, WV 25401

EXHIBIT

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EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Donald H. Buracker
188 Hollida Lane
Martinsburg, WV 25404

From: Pittsburgh Area Office
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

533-2019-01892

Philadelphia,
Legal Unit

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Roosevelt L. Bryant
Roosevelt L. Bryant,
Director

8/28/19
(Date Mailed)

Enclosures(s)

cc: Marie DeWalt
Human Resources Director
SHEPHERD UNIVERSITY
301 N King Street
Shepherdstown, WV 25443

Christian J. Riddeli, Esq.
STEDMAN RIDDELI PLLC
329 S. Queen Street
Martinsburg, WV 25404

EXHIBIT

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DONALD BURACKER AND JAY LONGERBEAM

(b) County of Residence of First Listed Plaintiff BERKELEY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
THE LAW OFFICES OF STEDMAN & RIDDELL
329 S. QUEEN STREET
MARTINSBURG, WV 25401

DEFENDANTS

SHEPHERD UNIVERSITY

County of Residence of First Listed Defendant JEFFERSON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC § 621 AND 42 USC § 12111

Brief description of cause:
VIOLATION OF ADA/AGE DISCRIMINATION ACT AND STATE LAW CAUSE OF ACTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE/USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE